

# Responsibility Sharing of Asylum Seekers in the EU: Good Quality First Reception is the Key

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Before we enter the discussion about responsibility sharing of asylum seekers in the EU we need to take stock of where we are in terms of the knowledge available about asylum seekers in the EU.

In 2014 there were a total of 624,000 (first) applications for asylum made in the 28 EU Member States. In 2013, according to [FRONTEX](#) more than 320 million third country nationals entered the EU (but of course the vast majority of them did not apply for asylum).

For the 1<sup>st</sup> quarter of 2015, [185,000 \(first\) asylum applications](#) were made in the EU. Of them:

- 4% were made in the UK
- 8% were made in France
- 39.6% were made in Germany
- 1.4% were made in Greece (Sweden with a smaller population size had 6.3% of the total)
- 8.2% were made in Italy.
- Over [half of the total asylum seekers](#) in the EU came from one of three countries: Syria, Kosovo or Afghanistan.

94% of Syrian asylum applications made in the EU were granted in 2014. In the same year 90% of Eritrean applications were successful and 88% of Iraqi applications. In the same period, 66% of Afghan applications succeeded.

On 10 August 2015 the [European Commission approved](#) financial allocations for asylum (also migration and integration) for some of the front line states for the period 2014 – 2020 as follows:

- Cyprus: 32 million euro
- Greece: 259 million euro
- Italy: 310 million euro
- Spain: 257 million euro

- Sweden 118.5 million euro.

According to the [European Commission](#) approximately 3% of asylum seekers are ever actually subject to a Dublin III return to a Member State other than the one where the asylum seeker actually wants his or her claim to be determined. What is the problem with allocation of responsibility for asylum seekers in the European Union? First, the statistics make it obvious that most asylum seekers do not apply for asylum in the Member States with external borders even though according to the images which the press in Europe provides about asylum seekers one would think they all arrive by boat through the Mediterranean. This, by definition, would mean that they arrive in border states, not where they apply for asylum – primarily in land states. Why do asylum seekers not stay in the border states, why do they go to such extreme lengths, travelling in all sorts of clandestine manners to get to other Member States, such as Germany, to apply for asylum? The answer is quite simple – in 2011 the [European Court of Human Rights found](#) that returning an asylum seeker to Greece would constitute inhuman and degrading treatment or punishment because of the unspeakably horrible reception conditions there. The situation has not improved sufficiently for asylum seekers to be returned to Greece even now notwithstanding the Commission making very substantial amounts of funding available for assistance and the activities of EASO (European Asylum Support Office) in providing support for Greece. The [Court of Justice of the European Union came to a similar conclusion](#) regarding reception conditions in Greece in 2012 and that the conditions in Italy for the reception of families with children were such as to constitute an obstacle to their return there.

So why are we surprised that asylum seekers will go to great efforts to arrive somewhere where they have a chance of decent reception conditions rather than being forced to live on the street without access to toilets or other amenities or locked up in horrific detention centres? Clearly good quality first reception is the key to equitable distribution of asylum seekers. Until there are good quality reception facilities available in all Member States there is no point even addressing the question of responsibility sharing.

If one leaves aside then, those Member States with really dreadful reception facilities which act in themselves as a deterrent to anyone subject to them to staying in that state (and the mandatory detention regimes in Hungary and Malta have also been much criticized on this ground), what about the other Member States? There are good reasons to recommend that reception centres should have personnel available to receive asylum seekers in conditions of dignity and in accordance with the EU directive on reception of asylum seekers but also to have the duty to ask the asylum seeker where he or she would like to make their application for asylum. If the individuals have a concrete place where they want to go then every effort should be made to ensure that they can get there and that there are good quality reception conditions available for them on arrival. If the individual has no concrete destination in mind then the reception centre staff should have a duty to set out

options, including staying where the person is already. If the reception conditions where the individual already is are becoming overcrowded, the staff should have the telephone numbers of alternative centres in other Member States and the duty to suggest to the individual that with his or her consent, they can try to find good reception facilities with available space in another Member State.

The key to any relocation plan for asylum seekers is the duty to respect the dignity of the individual at all times; to seek to comply with the wishes of the individual and to exclude altogether the use of coercion.

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